

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, February 27, 2006, 7:00 p.m.

ROLL CALL PLEDGE OF ALLEGIANCE

The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]

PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

- * 06-0227-01 Thomas and Mary Bell petition to reclassify from R-1-a to R-1-b all that part of Government Lot 1, Section 18, Township 50 North, Range 13 West. -- Assessor
- * 06-0227-02 Scott and Susan Hansen, et al. (ten signatures), petition to reclassify from R-1-b to C-2, Parcels 243, 243A, 243B and 244, C.S. 6916 (53=106) 902, that part of N 1/2 of NW 1/4 of NE 1/4 of NE 1/4 lying between the westerly line of Trinity Road, and center line of Miller's Creek in Section 30, Township 50, Range 14. -- Assessor
- * 06-0227-03 Minnesota state auditor audit report for Spirit Mountain recreation area authority for the years ended December 31, 2005 and 2004. -- Received
- * 06-0227-04 Sixth Judicial District Chief Judge David P. Sullivan order appointing Cynthia Albright, replacing Kenneth Nebel, to the Charter commission for a term expiring June 1, 2006. -- Received

REPORTS OF MAYOR, ADMINISTRATIVE ASSISTANT AND OTHER OFFICERS

- Retiree healthcare benefits
- * 06-0227-05 Assessor letters of sufficiency of petitions to:
 - (a) Reclassify from R-1-a to R-1-b all that part of Government Lot 1, Section 18, Township 50 North, Range 13 West;
 - (b) Reclassify from R-1-b to C-2, Parcels 243, 243A, 243B and 244, C.S. 6916 (53=106) 902, that part of N 1/2 of NW 1/4 of NE 1/4 of NE 1/4 lying between the westerly line of Trinity Road, and center line of Miller's Creek in Section 30, Township 50, Range 14;
 - (c) Vacate and terminate that portion of Lot 1, Block 1, Village Mall First Addition (2502 Maple Grove Road). -- Received

REPORTS OF BOARDS AND COMMISSIONS

- * 06-0227-06 Duluth human rights commission minutes of January 11, 2006, meeting. -- Received
- * 06-0227-07 Parks and Recreation commission minutes of January 11, 2006, meeting. -- Received

* Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

- Comprehensive plan
- Air National Guard base

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0099R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT CONTRACT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, THE CITY OF DULUTH AND APPRAISAL PROFESSIONALS, P.A. FOR PROPERTY APPRAISALS RELATING TO THE RECONSTRUCTION OF TRUNK HIGHWAY 53 (MILLER TRUNK HIGHWAY) AND ADJACENT FRONTAGE ROADS, COUNTY ROADS AND CITY STREETS, AT AN ESTIMATED COST TO THE CITY OF \$70,250. (TABLED 2/13)

06-0104R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT CONTRACT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, ST. LOUIS COUNTY, THE CITY OF DULUTH AND NORELL ON REAL PROPERTY FOR PROPERTY APPRAISALS RELATING TO THE RECONSTRUCTION OF TRUNK HIGHWAY 53 (MILLER TRUNK HIGHWAY) AND ADJACENT FRONTAGE ROADS, COUNTY ROADS AND CITY STREETS, AT AN ESTIMATED COST OF \$38,000. (TABLED 2/13)

06-0105R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT CONTRACT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, ST. LOUIS COUNTY, THE CITY OF DULUTH AND RAMSLAND & VIGEN FOR PROPERTY APPRAISALS RELATING TO THE RECONSTRUCTION OF TRUNK HIGHWAY 53 (MILLER TRUNK HIGHWAY) AND ADJACENT FRONTAGE ROADS, COUNTY ROADS AND CITY STREETS, AT AN ESTIMATED COST OF \$13,500. (TABLED 2/13)

06-0106R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A JOINT CONTRACT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION, ST. LOUIS COUNTY, THE CITY OF DULUTH AND TOM TURNER AND ASSOCIATES FOR PROPERTY APPRAISALS RELATING TO THE RECONSTRUCTION OF TRUNK HIGHWAY 53 (MILLER TRUNK HIGHWAY) AND ADJACENT FRONTAGE ROADS, COUNTY ROADS AND CITY STREETS, AT AN ESTIMATED COST OF \$29,000. (TABLED 2/13)

MOTIONS AND RESOLUTIONS

CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0145R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR NATIONAL WILD TURKEY FEDERATION.

COMMITTEE 1

BY COUNCILOR KRAUSE (PURCHASING & LICENSING)

06-0147R - RESOLUTION AWARDING CONTRACT TO A.W. KUETTEL & SONS, INC., FOR RE-ROOFING FIRE STATION #2 IN THE AMOUNT OF \$76,245.

06-0148R - RESOLUTION AWARDING CONTRACT TO JAMAR CO. INC., FOR RE-ROOFING THE CITY MAINTENANCE SHOP IN THE AMOUNT OF \$50,195.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0137R - RESOLUTION GRANTING A SPECIAL USE PERMIT TO MILLER-DWAN FOUNDATION TO CONSTRUCT AND OPERATE A 12 BED HOSPICE HOUSE ON PROPERTY LOCATED ON THE NORTH SIDE OF BAYLIS STREET WEST OF PECAN AVENUE.

06-0138R - RESOLUTION VACATING PORTIONS OF KENTUCKY AVENUE; KENTUCKY ALLEY; VIRGINIA AVENUE; VIRGINIA ALLEY; BROADWAY AVENUE; AND BROADWAY ALLEY, BETWEEN BAYLIS STREET AND DAVIS STREET LOCATED SOUTH OF RICE LAKE ROAD AND WEST OF PECAN AVENUE (MILLER DWAN FOUNDATION).

06-0139R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF TAX FORFEITED LAND FOR STREET AND UTILITY PURPOSES LOCATED ON THE EAST SIDE OF NORTH 7TH AVENUE EAST BETWEEN PLUM STREET AND KELLY STREET.

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-0130R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO AMEND A CONTRACT WITH ST. LOUIS COUNTY TO PROVIDE FOOD SUPPORT EMPLOYMENT AND TRAINING SERVICES AT COSTS NOT TO EXCEED \$400 PER PARTICIPANT, FROM OCTOBER 1, 2005, THROUGH SEPTEMBER 30, 2006, AT A TOTAL COST NOT TO EXCEED \$51,659.

06-0135R - RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH JOHNSON INSURANCE CONSULTANTS TO PROVIDE EMPLOYEE BENEFIT CONSULTING SERVICES DURING THE YEAR 2006 AT A COST NOT TO EXCEED \$13,200.

06-0159R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO AMEND AN AGREEMENT WITH JOB SERVICE FOR THE PROVISION OF DISLOCATED WORKER SERVICES TO LAID OFF AIRLINE WORKERS IN AN AMOUNT NOT TO EXCEED \$42,332 FOR THE PERIOD OF NOVEMBER 1, 2005 THROUGH JUNE 1, 2006.

06-0160R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH AND RECEIVE FUNDS FROM DULUTH PUBLIC SCHOOLS FOR THE PROVISION OF SERVICES RELATED TO THE CHILDREN SUCCEEDING IN SCHOOL INITIATIVES IN AN AMOUNT NOT TO EXCEED \$20,800, FOR THE PERIOD OF JULY 1, 2005 THROUGH JUNE 30, 2006.

06-0161R - RESOLUTION AUTHORIZING PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH NOAH DENNIS, INDEPENDENT LICENSED TEACHER, TO PROVIDE BASIC EDUCATION SERVICES RELATED TO THE CHILDREN SUCCEEDING IN SCHOOL INITIATIVES FOR THE PERIOD JULY 1, 2005 THROUGH JUNE 30, 2006 AT AN AMOUNT NOT TO EXCEED \$20,800.

COMMITTEE 2

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

06-0136R - RESOLUTION ADOPTING CERTAIN CABLE-RELATED NEEDS AND INTERESTS OF THE CITY OF DULUTH AS IDENTIFIED IN THE FORMAL NEEDS ASSESSMENT REPORT AND RELATED REQUIREMENTS SET FORTH THEREIN; AUTHORIZING THE ISSUANCE OF A REQUEST FOR FORMAL RENEWAL PROPOSAL FOR A CABLE FRANCHISE, AND CLOSING THE INITIAL STAGE OF FORMAL FRANCHISE RENEWAL PROCEEDINGS. **(REPLACEMENT)**

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

06-0120R - RESOLUTION AMENDING RESOLUTION 03-0562 AWARDED CONTRACT TO PETERSON ENGINEERING, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR TEN INCH GAS TRANSMISSION PIPELINE, TO INCREASE THE CONTRACT AMOUNT BY \$76,065 FOR A NEW TOTAL OF \$348,442.

06-0127R - RESOLUTION ORDERING THE CONSTRUCTION OF A SEWER MAIN IN MAPLE GROVE ROAD BEGINNING 200 FEET WEST OF ROBIN AVENUE AND EXTENDING WESTERLY 1,000 FEET AT AN ESTIMATED COST OF \$105,000 (CITY JOB NO. 0544SN).

06-0131R - RESOLUTION AUTHORIZING AGREEMENT WITH WHITE PINES DEVELOPMENT, INC., FOR THE CONSTRUCTION OF ROADS AND UTILITIES IN THE DEVELOPMENT AND ASSESSMENT OF THE COSTS THEREOF.

06-0143R - RESOLUTION ACCEPTING A PUBLIC RECREATIONAL TRAIL EASEMENT FROM THE REGENTS OF THE UNIVERSITY OF MINNESOTA ADJACENT TO TISCHER CREEK.

06-0149R - RESOLUTION AWARDED CONTRACT TO MERIT CHEVROLET FOR A STEP VAN IN THE AMOUNT OF \$42,512.67.

06-0158R - RESOLUTION ORDERING THE CONSTRUCTION OF PERMANENT ALLEY IN CENTRAL AVENUE ALLEY BETWEEN BRISTOL STREET AND RAMSEY STREET, AT AN ESTIMATED COST OF \$94,000.00 (CITY JOB NO. 0524TR).

06-0162R - RESOLUTION AWARDED CONTRACT TO UNITED PIPING, INC. FOR CONSTRUCTION OF SIX INCH PE HIGH PRESSURE GAS MAIN IN EAST SUPERIOR STREET FROM 60TH AVENUE EAST TO LAKEWOOD ROAD IN THE AMOUNT OF \$662,370.50.

06-0163R - RESOLUTION AWARDED CONTRACT TO MSA PROFESSIONAL SERVICES FOR PROFESSIONAL ENGINEERING SERVICES FOR DESIGN AND CONSTRUCTION OF MORGAN PARK WASTEWATER COLLECTION SYSTEM AND STREET IMPROVEMENTS PHASE IV PROJECT IN THE AMOUNT OF \$285,788 (JOB NOS. 0262SN AND 0262TR).

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0140R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE DULUTH AIRPORT AUTHORITY REGARDING PARTICIPATION BY THE AUTHORITY IN THE CITY'S SELF INSURANCE FUND FOR A FIVE-YEAR TERM ENDING DECEMBER 31, 2009.

06-0141R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY REGARDING PARTICIPATION BY THE AUTHORITY IN THE CITY'S SELF INSURANCE FUND FOR A FIVE-YEAR TERM ENDING DECEMBER 31, 2009.

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0142R - RESOLUTION AUTHORIZING SUBSCRIPTION WITH NEWSBANK, INC. TO SUBSCRIBE TO AMERICA'S NEWSPAPERS-MINNESOTA STATE PACKAGE ONLINE FULL-TEXT DATABASE FOR 2006 IN THE AMOUNT OF \$11,392; \$5,000 TO BE REIMBURSED BY THE DULUTH LIBRARY FOUNDATION.

06-0150R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH MERRITT COMMUNITY CLUB PROVIDING FOR THE CLUB'S SHARED USE OF THE MERRITT COMMUNITY RECREATION CENTER FOR ITS PROGRAM ACTIVITIES.

06-0153R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT FROM ST. LOUIS COUNTY, OUTDOOR RECREATION PROJECT FUND, FOR IMPROVEMENTS AT THE PORTLAND SQUARE RECREATION AREA PLAYGROUND IN THE AMOUNT OF \$15,000 AND TO EXECUTE THE GRANT AGREEMENT.

06-0154R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT FROM ST. LOUIS COUNTY, OUTDOOR RECREATION PROJECT FUND, FOR REPAIRS AT THE CENTRAL HILLSIDE BASKETBALL COURT IN THE AMOUNT OF \$15,000 AND TO EXECUTE THE GRANT AGREEMENT.

06-0155R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT FROM ST. LOUIS COUNTY, OUTDOOR RECREATION PROJECT FUND, FOR IMPROVEMENTS AT THE GRANT RECREATION CENTER PLAYGROUND IN THE AMOUNT OF \$17,500 AND TO EXECUTE THE GRANT AGREEMENT.

06-0156R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT FROM ST. LOUIS COUNTY, OUTDOOR RECREATION PROJECT FUND, FOR REPLACEMENT OF THE LESTER/AMITY TRAIL BRIDGE IN THE AMOUNT OF \$20,000 AND TO EXECUTE THE GRANT AGREEMENT.

06-0157R - RESOLUTION AUTHORIZING CITY OFFICIALS TO ACCEPT A GRANT FROM ST. LOUIS COUNTY, OUTDOOR RECREATION PROJECT FUND, FOR IMPROVEMENTS AT THE MEMORIAL COMMUNITY RECREATION CENTER PLAYGROUND IN THE AMOUNT OF \$20,000 AND TO EXECUTE THE GRANT AGREEMENT.

END OF CONSENT AGENDA

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The following entitled resolutions are also for consideration at this meeting:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0146R - RESOLUTION REQUESTING THE FREE CONVEYANCE OF 435 ACRES OF TAX FORFEITED LAND FOR PARK AND TRAIL PURPOSES LOCATED SOUTH OF THE PIEDMONT NEIGHBORHOOD AND NORTHWEST OF SKYLINE PARKWAY AND EAST OF HAINES ROAD (PIEDMONT SKI TRAILS).

(REPLACEMENT)

06-0165R - RESOLUTION AFFIRMING THE PLANNING COMMISSION DENIAL OF A VARIANCE TO MARICK DEVELOPMENT, INC. (3129 MINNESOTA AVENUE).

06-0166R - RESOLUTION REVERSING THE DECISION OF THE PLANNING COMMISSION TO DENY A VARIANCE FOR THE CONSTRUCTION OF A TWO-FAMILY DWELLING ON PROPERTY LOCATED AT 3129 MINNESOTA AVENUE (MARICK DEVELOPMENT, INC., BY DANIEL MADDY).

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-0182R - RESOLUTION REQUESTING ADMINISTRATION TO DETERMINE WHETHER BEACON POINT IS IN COMPLIANCE WITH WATER RESOURCE MANAGEMENT ORDINANCE SETBACK REQUIREMENTS AND TO TAKE APPROPRIATE ACTION.

BY PRESIDENT REINERT (COMMITTEE OF THE WHOLE)

NEW 06-0183R - RESOLUTION REPEALING RESOLUTION 06-0075 AND RESOLUTION 06-0076 CONCERNING PARKING METER ZONES.

COMMITTEE 3

BY COUNCILOR STAUBER (RECREATION, LIBRARIES & AUTHORITIES)

06-0151R - RESOLUTION AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH DULUTH ECONOMIC DEVELOPMENT AUTHORITY, LAKE SUPERIOR CENTER AUTHORITY, AND LOU CAMPBELL, d/b/a LOU CAMPBELL PRODUCTIONS PROVIDING FOR THE PRODUCTION, PROMOTION AND MANAGEMENT OF THREE SPECIAL EVENTS AT BAYFRONT FESTIVAL PARK AT A COST OF \$25,000.

INTRODUCTION AND CONSIDERATION OF ORDINANCES

ORDINANCE TABLED

COMMITTEE 1

BY COUNCILOR STEWART (FINANCE)

05-060-O - AN ORDINANCE AMENDING CHAPTER 2 OF THE DULUTH CITY CODE, 1959, AS AMENDED; ADDING ARTICLE XXXIV - MINIMUM REQUIREMENTS FOR A DEVELOPMENT AGREEMENT.
(TABLED 1/9/2006 FOR COMMITTEE MEETING) **(REPLACEMENT)**

The following entitled ordinances are to be read for the second time:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

06-004-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, AMENDING PUBIC DOCUMENT NO. 04-0419-01 ENTITLED "HARBOR VIEW/CENTRAL HILLSIDE REVITALIZATION, TRADITIONAL NEIGHBORHOOD DEVELOPMENT CODE" DOCUMENTS OF IMPLEMENTATION (HOUSING AND REDEVELOPMENT AUTHORITY).

BY COUNCILOR NESS (INTERGOVERNMENTAL RELATIONS)

06-005-O - AN ORDINANCE AMENDING CHAPTER 6-78 OF THE DULUTH CITY CODE, 1959, AS AMENDED; REGULATING FEEDING OF PIGEONS. **(REPLACEMENT)**

COUNCILOR QUESTIONS AND COMMENTS
